

AMENDED IN SENATE JANUARY 27, 2014

AMENDED IN SENATE JANUARY 21, 2014

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE APRIL 11, 2013

SENATE BILL

No. 240

Introduced by Senator Yee
(Coauthor: Senator Lieu)
(Coauthors: Assembly Members Gray and Pan)

February 12, 2013

An act to amend Section 3017 of, and to add Section 3025 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 240, as amended, Yee. Vote by mail ballot drop boxes: ~~higher education campuses.~~

Existing law provides that the Secretary of State is the chief elections officer of the state and requires the Secretary of State to administer the provisions of the Elections Code. Existing law authorizes the Secretary of State to adopt regulations to assure the uniform application and administration of state election laws.

~~(1) Existing~~

Existing law sets forth procedures for processing vote by mail ballots and requires that all vote by mail ballots cast be received by the elections official or by the precinct board no later than the close of polls on election day. Under existing law, a vote by mail voter is required to return his or her voted vote by mail ballot either by returning the ballot by mail or in person to the elections official from whom it came or by

returning the ballot in person to a member of a precinct board at a polling place within the jurisdiction.

This bill would permit a vote by mail voter to return his or her voted vote by mail ballot to the elections official from whom it came at a vote by mail ballot drop-off location, as defined. This bill would require the Secretary of State to promulgate regulations establishing security measures and procedures that a county elections official would be required to comply with if the county elections official establishes one or more vote by mail ballot drop-off locations and vote by mail ballot drop boxes, as defined.

~~This bill would, for statewide general and primary elections conducted by a county or city and county, require the county or city and county elections official to establish vote by mail ballot drop-off locations and vote by mail ballot drop boxes, as defined, within each campus of the California State University and the University of California, and would require the elections official to establish vote by mail ballot drop-off locations within each community college if convenient for voters. The bill would require the California State University and the California Community Colleges, and request the University of California, to provide access for the use of their campuses as vote by mail ballot drop-off locations. The bill would require the Secretary of State to assist elections officials by providing recommendations and guidelines regarding the placement and security of vote by mail ballot drop boxes. By requiring county and city and county elections officials to perform new duties, and the California Community Colleges to provide access as vote by mail ballot drop-off locations, the bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: *yes-no*.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 3017 of the Elections Code is amended
2 to read:

3 3017. (a) All vote by mail ballots cast under this division shall
4 be voted on or before the day of the election. After marking the
5 ballot, the vote by mail voter shall do any of the following: (1)
6 return the ballot by mail or in person to the elections official from
7 whom it came, (2) return the ballot in person to a member of a
8 precinct board at a polling place within the jurisdiction, or (3)
9 return the ballot to the elections official from whom it came at a
10 vote by mail ballot drop-off location, if provided pursuant to
11 Section 3025. However, a vote by mail voter who is unable to
12 return the ballot may designate his or her spouse, child, parent,
13 grandparent, grandchild, brother, sister, or a person residing in the
14 same household as the vote by mail voter to return the ballot to
15 the elections official from whom it came or to the precinct board
16 at a polling place within the jurisdiction. The ballot must, however,
17 be received by either the elections official from whom it came or
18 the precinct board before the close of the polls on election day.

19 (b) The elections official shall establish procedures to ensure
20 the secrecy of a ballot returned to a precinct polling place and the
21 security, confidentiality, and integrity of any personal information
22 collected, stored, or otherwise used pursuant to this section.

23 (c) On or before March 1, 2008, the elections official shall
24 establish procedures to track and confirm the receipt of voted vote
25 by mail ballots and to make this information available by means
26 of online access using the county's elections division Internet Web
27 site. If the county does not have an elections division Internet Web
28 site, the elections official shall establish a toll-free telephone
29 number that may be used to confirm the date a voted vote by mail
30 ballot was received.

31 (d) The provisions of this section are mandatory, not directory,
32 and a ballot shall not be counted if it is not delivered in compliance
33 with this section.

34 (e) Notwithstanding subdivision (a), a vote by mail voter's ballot
35 shall not be returned by a paid or volunteer worker of a general
36 purpose committee, controlled committee, independent expenditure
37 committee, political party, candidate's campaign committee, or
38 any other group or organization at whose behest the individual

1 designated to return the ballot is performing a service. However,
2 this subdivision does not apply to a candidate or a candidate's
3 spouse.

4 SEC. 2. Section 3025 is added to the Elections Code, to read:

5 3025. (a) For purposes of this section, the following terms
6 have the following meanings:

7 (1) "Vote by mail ballot drop box" means a secure receptacle
8 established by a county or city and county elections official
9 whereby a voted vote by mail ballot may be returned to the
10 elections official from whom it was obtained.

11 (2) "Vote by mail ballot drop-off location" means a location
12 consisting of a secured vote by mail ballot drop box at which a
13 voted vote by mail ballot may be returned to the elections official
14 from whom it was obtained.

15 *(b) The Secretary of State shall promulgate regulations*
16 *establishing security measures and procedures that a county*
17 *elections official shall comply with if the county elections official*
18 *establishes one or more vote by mail ballot drop-off locations.*

19 ~~(b) For each statewide general election and each statewide~~
20 ~~primary election conducted by a county or a city and county, the~~
21 ~~county or city and county elections official shall do both of the~~
22 ~~following:~~

23 ~~(1) Establish at least one vote by mail ballot drop-off location~~
24 ~~within each campus of the California State University and the~~
25 ~~University of California within the jurisdiction of the county or~~
26 ~~city and county.~~

27 ~~(2) Consider establishing at least one vote by mail ballot drop-off~~
28 ~~location within each community college within the jurisdiction of~~
29 ~~the county or city and county, and establish that vote by mail ballot~~
30 ~~drop-off location if the elections official determines that a vote by~~
31 ~~mail ballot drop-off location at the college would be convenient~~
32 ~~for voters.~~

33 ~~(e) The California State University and the California~~
34 ~~Community Colleges shall, and the University of California is~~
35 ~~requested to, provide access for use of their campuses as vote by~~
36 ~~mail ballot drop-off locations. This section does not apply to a~~
37 ~~campus of the University of California if the campus refuses a~~
38 ~~request for access to the campus as a vote by mail ballot drop-off~~
39 ~~location.~~

1 ~~(d) (1) Each vote by mail ballot drop-off location shall be~~
2 ~~monitored during business hours by at least one person appointed~~
3 ~~by the elections official.~~

4 ~~(2) Each vote by mail ballot drop box located outdoors shall be~~
5 ~~constructed of durable material able to withstand inclement~~
6 ~~weather. During nonbusiness hours or when an appointed monitor~~
7 ~~is not available, a vote by mail ballot drop box shall be placed in~~
8 ~~a locked and secure location.~~

9 ~~(3) The Secretary of State shall assist elections officials by~~
10 ~~providing recommendations and guidelines regarding the placement~~
11 ~~and security of vote by mail ballot drop boxes and vote by mail~~
12 ~~ballot drop-off locations. The placement and security of each vote~~
13 ~~by mail ballot drop box and each vote by mail ballot drop-off~~
14 ~~location shall be determined by the elections official, in accordance~~
15 ~~with guidelines provided by the Secretary of State pursuant to this~~
16 ~~paragraph.~~

17 ~~(e) Beginning 29 days prior to the day of the election until 8:00~~
18 ~~p.m. on the day of the election, two persons appointed by the~~
19 ~~elections official shall empty each vote by mail ballot drop box~~
20 ~~with sufficient frequency to prevent damage and unauthorized~~
21 ~~access to the ballots. Vote by mail ballots shall not be removed~~
22 ~~from a vote by mail ballot drop box except by persons appointed~~
23 ~~by the elections official. Vote by mail ballot drop boxes shall be~~
24 ~~locked and sealed at all times, with seal logs that document each~~
25 ~~time the box is opened, by whom, and the number of ballots~~
26 ~~removed. Ballots shall be placed into sealed transport carriers and~~
27 ~~returned to the elections official's office or another designated~~
28 ~~location. At 8:00 p.m. on the day of the election, all vote by mail~~
29 ~~ballot drop boxes shall be emptied and sealed to prevent the deposit~~
30 ~~of additional ballots.~~

31 ~~SEC. 3.— If the Commission on State Mandates determines that~~
32 ~~this act contains costs mandated by the state, reimbursement to~~
33 ~~local agencies and school districts for those costs shall be made~~
34 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
35 ~~4 of Title 2 of the Government Code.~~